

DISCUSSION OF THE AMENDMENT

Claims 1-3, 6-18 and 29-30 are active in the present application. Claims 4-5 and 19-28 are canceled claims. Claim 10 has been amended to correct a typographical error. Claim 1 is amended for clarity. Claims 29 and 30 are amended for clarity.

No new matter is added.

REMARKS

The Office is of the opinion that the catalyst-containing compositions of Sumpter (U.S. 5,331,075) anticipate the catalyst-containing compositions of the present claims. The Office asserts that Sumpter's disclosure of a composition that contains a preformed platinum catalyst that may include an indazole compound is evidence that the presently claimed invention is anticipated. Applicants traverse the rejection on the grounds that Sumpter's indazole-containing catalyst is different from the composition of the present claims in which the indazole is required in addition to the catalyst component.

The platinum and the indazole of Sumpter form a single compound. Sumpter describes the prior art compound as follows:

... the preformed latent platinum catalyst is made by effecting reaction ... between a zero valent platinum catalyst complex and 1.0 to 60 moles of an organic nitrogen compound ...

See column 3, lines 3-9 of Sumpter.

There can be no question that the platinum of the Sumpter catalyst is one that is directly bonded to the prior art organic nitrogen compound (e.g., indazole). The Sumpter patent clearly states that the preformed latent platinum catalyst results from the reaction of a zero valent platinum catalyst with an organic nitrogen compound (see the Abstract of Sumpter). Sumpter does not disclose that the platinum catalyst is present in the prior art composition in addition to amounts of an organic nitrogen compound (e.g., indazole) not bonded to platinum.

In contrast, component C (the platinum catalyst) and component D (an organic compound) of the claimed invention must be different. For example, the platinum catalyst of the present claims is described in the paragraph bridging pages 7 and 8 of the present specification. The platinum catalyst of the claimed invention is "platinum or a platinum compound" (see lines 32-33 on page 7 of the present specification).

Moreover, each of components C and D of the present claims are recited as individual components in Claim 1. Further in this regard Applicants draw the Office's attention to independent Claims 29 and 30 which explicitly state that the component D is a component that is "other than said platinum catalyst (C)". Therefore, unlike Sumpter, the invention of the present claims is one in which an organic compound such as one of the organic compounds described as component D in any one of Claims 1, 29 and 30 is present in a free state, e.g., not bonded to or reacted with a platinum catalyst.

With regard to the rejection of present Claim 1 in view of Sumpter, Applicants note that Claim 1 does not include indazole in the Markush group recited in the claim. The Office appears to rely only upon paragraph 5 of the previous Office Action in this case to support the rejection. The Office Action of September 12, 2006 rejected the original claims on the grounds that Sumpter disclosed platinum and indazole but Claim 1 was subsequently amended to remove indazole. Applicants submit that the Office's basis for rejecting present Claim 1 is not supportable at least because present Claim 1 does not recite indazole.

The rejections in view of Sumpter should therefore be withdrawn.

The Office further rejected the claims as obvious in view of a combination of Wong (U.S. 4,720,431) and Palensky (U.S. 4,511,715). The Office directed Applicants to the rejections of the September 12, 2006 Office Action as support for the rejection. The Office asserted that Palensky discloses a platinum catalyst system containing platinum and a nitrogen compound such as imidazole and therefore the prior art discloses or suggests a composition that includes component C, i.e., a platinum catalyst, and component i.e., an organic compound of the present claims. As was discussed above for the rejection in view of Sumpter, Palensky in combination with Wong do not disclose any composition that contains separate amounts of a platinum catalyst and an organic compound such as those recited in present Claims 1, 29 and 30.

At best, Palensky discloses a single component that is a platinum-type catalyst that includes both a platinum metal and an organic compound. The single component nature of the Palensky platinum catalyst is demonstrated at column 8, lines 28-37 where the synthesis of the prior art platinum catalyst is described. An amount of  $\text{KPtCl}_3(\text{C}_2\text{H}_4)$  is mixed with imidazole to form a complex of formula  $(\text{imidazole})\text{PtCl}_2(\text{C}_2\text{H}_4)$  which was “separated as a yellow microcrystalline solid and collected on a filter”. This disclosure of Palensky provides absolute proof that the prior art platinum complex is a single component of a single unitary chemical formula wherein the imidazole is reacted with the platinum. This is different from the presently-claimed invention where components C and D are separate. Applicants again note that each of independent Claims 29 and 30 of the present application expressly state that component (D) is a compound “other than said platinum catalyst (C)”.

Thus, contrary to the Office’s assertion, Wong and Palensky, alone or in combination, do not disclose or suggest a composition that has a platinum catalyst present in combination with an organic material of the present Markush group where each of components C and D exist freely and separately and are different.

For the reasons discussed above, including the cited prior arts' silence with respect to compositions that contain separate amounts of a platinum catalyst existing freely and distinctly from an amount of the organic compound recited in the present Markush group, the presently claimed invention is novel and not obvious and the rejection should be withdrawn.

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